



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,853	10/24/2001	Scott C. Harris	DIY-Internet/SCH	9828
23844	7590	11/25/2008		
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			EXAMINER BARQADLE, YASIN M	
			ART UNIT 2456	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/682,853	<b>Applicant(s)</b> HARRIS, SCOTT C.	
	<b>Examiner</b> YASIN M. BARQADLE	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,13,14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,13-14, and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Response to Amendment**

1. Applicant's arguments filed on August 01, 2008 have been fully considered but are not deemed persuasive

- Claims 21 and 23 are withdrawn.
- Claims 1-3, 5-10 and 13-14, 16-20 are presented for examination.

**Response to arguments**

2. Regarding 112 rejection in claim 1, the Applicant argues "For example, pages 4 and 5 describe an embodiment for an online website, and page 8 begins describing an embodiment for a bank. Paragraph 26 on page 6 of the originally filed specification describes how numbers in text form are sent to the pager." (page 12, last paragraph) ... "Turning to the second embodiment, page 9, paragraph 39 describes how the information that is sent back is text information, sent in a specified form. However, if the receiving device has more information, the information may be sent in XML form... Paragraph 41 explains, therefore that the system "obtains the raw information and formats it according to a template" (Page 13, first paragraph). Then the Applicant concludes his arguments, "Since an embodiment of this information is text information, this text information has no formatting information." (Page 13 line 1, second paragraph).

Art Unit: 2456

Applicant's response towards the 112 rejection for claim 1 are is persuasive.

The above response do not clearly teach "using variable information from said results without using formatting information, to from raw information", the phrase "without using formatting information" does not necessarily mean "using a text information or a text form" as argued by the Applicant. What formatting information is excluded from use is not clear. Hence it attempts to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. See In re Schechter, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

Regarding the limitation of "where said format display information, includes only the variable portions from the results received from said Internet web site, but does not include other portions of the information received from said internet website" in the 112 rejection of claims 9 and 17, the Applicant argues "Paragraph 39 describes how the HTML form received from this querying, that is the returned webpage from the bank, is re-formatted, e.g., into text form ... However, the important part for the subject matter of claim 9 is actually the "variable information", in the embodiment, the bank balance for example. The specification clearly explains that HTML pages are returned, but only the variable parts from that HTML pages are used." Page 14 second paragraph.

Art Unit: 2456

This argument is not persuasive. It is not clear how html pages are returned but only the variable parts are used. re-formatting a webpage into text form is different than "“where said format display information, includes only the variable portions from the results received from said Internet web site, but does not include other portions of the information received from said internet website”. It is not clear what other portions of the information received are excluded and how. Again Applicant must claim his invention in such way that limitations are positively recited by distinctly and particularly pointing out what they did invent in view of the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "said source of information" in line 18.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of

Art Unit: 2456

carrying out his invention.

4. Claims 1-2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner could not find the limitation of “where said interactive device sends information in a format that cannot access said first server” “using variable information from said results without using formatting information from said results, to form raw information”, in the applicant's original specification.

Claim 1 further recites “where said interactive device sends information in a format that cannot access said first server”. The specification does not describe this is done.

Claims 9, 17 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner could not find the limitation of “where said format display information, includes only the variable portions from the results received from said Internet web site, but does not include other portions of the information

Art Unit: 2456

received from said internet website” or its equivalence in the applicant's original specification.

5. Claims 16 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner could not find the limitation of “using said one of said templates based on said kind of request, so that a first request always uses a first template, and a second request always uses a second template different than said first template” or its equivalence in the applicant's original specification.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not show how the limitation of “where said interactive device sends information in a format that cannot access said first server”. It is not clear how the interactive

Art Unit: 2456

device sends information in a format that cannot access said first server. It can access with some form of format or it does not access.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “using variable information from said results without using formatting information from said results, to from raw information”, and “where said interactive device sends information in a format that cannot access said first server”, is a negative limitation that attempts to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. See *In re Schechter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

Claims 9 and 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “where said format display information, includes only the variable portions



Art Unit: 2456

from the results received from said Internet web site, but does not include other portions of the information received from said internet website”, are a negative limitations that attempts to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. See *In re Schechter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the limitation of “where said interactive device sends information in a format that cannot access said first server” is intended. It is not clear how the interactive device sends information in a format that cannot access a first server. If the format can not access the server then the request will never reach the server. For the server to respond to any request from a device the request must be in format than can reach and/or accessible the server. For examination purposes, any request that reaches the server from the interactive device is considered to meet the above limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,3 and 13-14, 17-18, and 20 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brett et al US. PUB (6023685) in view of Steele et al US PUB (20020046084).

As per claims 1, 9, 17 and 19-20, Brett teaches et al teach a method (abstract), comprising:

sending a request for information from an interactive device (Fig. 1, terminals 14) to a first server (Fig. 1, 12), where said interactive device sends information in a format that cannot access said first server ( see fig. 1) ;

at said first server (fig. 1, 12), using information from said request to query sources of information (col. 7,lines 39-67), including a second source of information contained within a second internet based webpage, and a third source of information within a third Internet based webpage (central computer 12, fig. 1 includes database 15,16 and 17 respectively including Internet based webpage as displayed in figures 5 to 8);

receiving results from querying said sources of information (col. 7,lines 51-67);

Art Unit: 2456

using variable information from said results without using formatting information, to form raw information (col.8, lines 37-64);

storing at least one template, where the template includes a form that includes non variable textual information that stays constant every time said template is used, and open portions for said variable information that changes based on said results received from said source of information (col. 10, lines 4-40 and figs 10-11), where said non variable information contains a textual description associated with said variable information (fig. 10 and 11), and wherein said template includes an arrangement that arranges said non variable information and said variable information (see fig. 10 and 11); using said raw information to fill in said open portions on said template (col. 10, lines 23-40 and figs 10-11 (the sponsor name is constant while bid status varies. See also figs 5a to 7); and

displaying said template, with said information filled therein, on said interactive device (col. 8, lines 37-62 and col. 10, lines 23-40. See figs 5 to 6 and particularly fig. 11 sec C status information).

Although Brett shows substantial features of the claimed invention including querying internet based webpage sources of information at the server (col. 7, lines 39-67 central computer 12, fig. 1 includes database 15, 16 and 17 respectively including Internet based webpage as displayed in figures 5 to 8), Brett does not explicitly show using information from said request to query

Art Unit: 2456

sources of information including a second and a third source of information within Internet based webpage (server). Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Brett, as evidenced by Steele et al USPN. (20020046084).

In analogous art, Steele et al whose invention is about a configurable multimedia information system that supports electronic commerce where customized information such as stock quotes, travel information, advertising, and e-mail are communicated to portable interactive device (abstract and paragraph 0072), disclose using information from said request to query sources of information including a second and a third source of information within Internet based webpage (server) [page 9, paragraphs 0129-0134. see also 0110 and fig. 3]. Giving the teaching of Steele et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Brett by employing the system of Steele et al in order to provide users beneficial up-to-date information that is consistent with their preference of services and products.

Steele et al further teaches a portable device where results are in a form that cannot be viewed on interactive device (paragraphs 025,047 and 072).

As per claim 3, Brett teaches the invention, wherein said interactive device is a device that only displays text, and using variable portions comprises changing

Art Unit: 2456

said information from an HTML format into a text format, using only a portion of said another format for display (col. 7 lines 39-58 and col. 10, lines 23-40).

As per claim 10, Brett and Steele et al teach a method as in claim 2, wherein said reformatting comprises reformatting said information into an XML form [col. 8, lines 15-24].

As per claims 13 and 14, Steele teaches the invention, wherein said using to form a formatted display comprises changing said HTML response (Internet pages ) from said Internet website into another format, wherein said HTML response that cannot be viewed on said interactive handheld device , an using only a portion of said another format, where in said another format is a format the can be viewed on said interactive device (paragraphs 025, 047 and 072. see also 0105 and -109).

As per claim 16, Brett teaches the invention further comprising automatically reporting changes to at least one of the websites a specified increments (Col. 10, lines 19-38).

As per claim 18, Brett teaches method as in claim 5, wherein said personal information which is sent includes logon information including at least a logon name and a password (col. 6, lines 50-65).

Art Unit: 2456

9. Claims 2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al US. Patent (6633910) .

As per claim 2, Rajan teaches the method comprising:

    sending a request for information from an interactive device (fig. 1, devices 39,43,41 and 47) to a first server (fig. 1 server 33) , wherein said sending comprises sending one of multiple different kinds of requests to said first server, each different kind of request operative to request a different type of information, where a first request is a request for information from a first website and a second request is a request for information form a second website different than said first website (col. 6, lines 32-55 and col. 13, items 1-5; ticket information, arrival/departure information, stock quotes, account balance and/or email information are requested from different website in server 21-25 of fig. 1 col., 6, lines 12-55 and col. 14, lines 23-40);

    using variable information from said result without using formatting information, to form raw information (col. 17, lines 61 to col. 17 lines 37 (bidding change and bank statement change are variable information rendered to templates); storing at least one template, where the template includes a form that includes non variable textual information that stays constant every time said template is used, and open portions for said variable information that changes based on said results received from said source of information, where said non variable information contains a textual description associated with

Art Unit: 2456

said variable information, and wherein said template includes an arrangement that arranges said non variable information and said variable information (col. 8, lines 55-65 and col. 17, lines 61 to col. 17 lines 37 using said raw information to fill in said open portions on said template (open slots in the output template are filled with retrieved stock, flight bidding and bank statement information); said storing stores multiple different templates (col. 8, lines 55-65 and col. 17, lines 61 to col. 17 lines 37, and using said one of said templates for displaying said results; and displaying said template, with said information filled therein, on said interactive device (col. 8, lines 39 to col. 9, line 7.)

Although Rajan shows substantial features of the claimed invention as explained above, Rajan does not explicitly show selecting a templates that corresponds to one of kinds of requests, including a first template for said first website, and a second different template for said second website.

Nonetheless, the features of selecting a template that corresponds for a first web site and a second different template for another website is an obvious feature of Rajan's multiple input templates and output templates associated with ticket information, arrival/departure information, stock quotes, account balance and/or email information retrieved from different website in server 21-25 of fig. 1. One ordinary skill in the art would appreciate to include the template creating feature of Rajan a selection mechanism for selecting a different template that corresponds each website that provides particular

Art Unit: 2456

information such ticket information, arrival/departure information, stock quotes and account balance. In this way each website would be identified differently independent of the variable information rendered.

As per claim 7, Rajan teaches method as in claim 2, wherein said kind of information is an indication to purchase a product, and said template is a template to obtain variables to allow purchase of the product (col. 15, lines 63 to col. 16, line 7).

Regarding claim 8, Rajan a user balance information and where said template is a template allowing entry of variables from raw information to fill in bank balance information [Col. 13, lines 44-63 and col. 15, lines 50-67].

10. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al US. Patent (6633910) in view of Steele et al US PUB (20020046084).

Regarding claim 5, Although Rajan shows substantial features of the claimed invention including querying internet based webpage sources of information at the server (col. 7, lines 39-67) and wherein said interactive device also stores personal information associated with a user of the interactive device, and wherein said sending comprises sending a request for information which



Art Unit: 2456

includes some of said personal information (col. 15, lines 49-67), Rajan does not explicitly show requesting the interactive device to identify more information about specific query to be made to said request to query a publicly accessible sources of information.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Rajan, as evidenced by Steele et al USPN. (20020046084).

In analogous art, Steele et al whose invention is about a configurable multimedia information system that supports electronic commerce where customized information such as stock quotes, travel information, advertising, and e-mail are communicated to portable interactive device (abstract and paragraph 0072), disclose requesting the interactive device to identify more information about specific query to be made to said request to query a publicly accessible sources of information) [page 9, paragraphs 0129-0134. see also 0110 and fig. 3]. Giving the teaching of Steele et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Rajan by employing the system of Steele et al in order to provide users additional information matching their desires and consistent with their preference of services and products.

Art Unit: 2456

As per claim 6, Rajan teaches method as in claim 5, wherein said personal information which is sent includes logon information including at least a logon name and a password (col. 15, lines 63 to col. 16, line 7).

11. Claim 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brett in view of Steele.

Although Brett shows substantial features of the claimed invention as explained above including “Use of a template allows the bid status updates to be made with transmission of only the numerical data, which in combination with the template, presents the comprehensive auction status update to participants.” Col. 10, lines 23-31). Brett does not explicitly show multiple different kinds of requests, storing multiple different templates and selecting one the said templates that corresponds to one of kinds of requests and using the stored templates based on said kind of requests so that a first request uses a first template and a second request uses a second different template.

Nonetheless, the features of selecting a template that corresponds to a first request and a second different template for another request is an obvious feature of Brett’s use of templates. One ordinary skill in the art would appreciate to include multiple template in the system of Brett to store different the response of different auction bids. In such a way each received auction is

Art Unit: 2456

stored in a separate different template In this way each auction bid response can be identified differently independent of the variable information rendered.

### **Conclusion**

12. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-

Art Unit: 2456

3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456